

ENVIRONMENTAL WATER ACCOUNT
DRAFT ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT

APPENDIX B

U.S. Fish & Wildlife Coordination Act Compliance



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

Memorandum

JUN 23 2003

To: Director, Mid-Pacific Region, Bureau of Reclamation,
Sacramento, California

From: *Michael P. Howe*
Acting Field Supervisor, Sacramento Fish and Wildlife Office,
Sacramento, California

Subject: Draft Fish and Wildlife Coordination Act Report on Implementation of the
CALFED Bay-Delta Program, Environmental Water Account

This memorandum constitutes the Fish and Wildlife Service's (Service) draft Fish and Wildlife Coordination Act (FWCA) report, as provided for in section 2(b) of the FWCA (Public Law 85-624; 16 U.S.C. 661-667e), regarding proposed environmentally beneficial changes in operation of the State Water Project (SWP) and the Federal Central Valley Project (CVP). A final FWCA report will be prepared by the Service taking into consideration any new information, once a biological opinion pursuant to section 7 of the Endangered Species Act of 1973, as amended (ESA), has been completed. It is our intent to prepare a final FWCA report to be included in the final Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

Project Description

The August 28, 2000, programmatic ROD for the CALFED Bay-Delta Program (CALFED) established the Environmental Water Account (EWA) as a 4-year cooperative water management program which could be extended by agreement of the participating agencies. The purpose of the EWA is to provide protection to fish species of the San Francisco/Sacramento/San Joaquin River Delta estuary, while simultaneously improving water quality and water supply reliability for water users. Any supplemental water-assets required by the program would be acquired, banked, transferred, or borrowed, substantially through voluntary purchases in the water transfer market, or by developing additional assets over time.

Three alternatives were evaluated in the EWA EIS/EIR: 1) No Action Alternative; 2) Flexible Purchase Alternative; and 3) Fixed Purchase Alternative. Protective measures identified by the proposed action (Flexible Purchase Alternative) range from augmenting instream flows and Delta outflows to reducing Delta export pumping. Changes in SWP and CVP operations to minimize impacts on various fish species residing in or migrating through the Delta could include modifications to the timing of some flow releases from storage and the timing of water exports from Delta pumping plants.

Responsibilities and Evaluation

The Bureau of Reclamation (Reclamation) is the lead Federal agency responsible for compliance with the National Environmental Policy Act (NEPA). Compliance with NEPA and California Environmental Quality Act has resulted in preparation of a draft EIS/EIR. Reclamation is also consulting with the Service pursuant to section 7 of the ESA.

The Service is a Cooperating Agency in the associated NEPA process and has been participating in the planning of this project for some time. As a result, we believe our need for surveys and investigations, as provided for under the FWCA, have been met through existing analyses, completed jointly by Reclamation and the Service. Further, we believe the existing NEPA document sufficiently evaluates the alternatives as presently identified. The Service continues to provide technical assistance to the EWA process through the EWA Environmental Sub-Team and the Action Specific Implementation Plan (ASIP) Technical Sub-Team. The Service has provided comments and recommendations to Reclamation regarding the EWA since September 30, 2002.

Recommendations/Conclusions

Of the three alternatives evaluated in the draft EIS/EIR, the Service supports adoption of the proposed action (Flexible Purchase Alternative). For a complete description of this alternative, refer to Section 2.4 of the EWA draft EIS/EIR.

The Service and Reclamation are continuing to discuss and resolve any remaining concerns prior to the release of the draft EIS/EIR. However, based on our review of documentation available at the time this memorandum was signed, several issues have yet to be fully addressed within the EIS/EIR. Therefore we recommend the draft EIR/EIS include the following:

- 1) Compliance and Project Monitoring: A brief but task-specific summary is needed describing the process by which EWA agencies will ensure that all contract provisions and conservation measures will be employed and evaluated. Coordination of water acquisitions, both with other CALFED programs and with non-project water agencies, is central to the success of the EWA program.
- 2) Effect Indicators and Evaluation Criteria: In order to assess whether or not the EWA will significantly affect species, evaluation criteria must be specific, objective, and grounded in sound science. We believe the EIS/EIR should more clearly and objectively discuss the links between the evaluation criteria and the project effect conclusions.
- 3) Future coordination under the FWCA should be completed as required for associated tier specific actions.

As required by the FWCA, this report will be coordinated with CDFG and NOAA Fisheries prior to being finalized. If formal comments are received from CDFG or NOAA Fisheries that differ from previous agency input or if the project changes in a way that would adversely affect fish and wildlife resources to an extent not previously analyzed, new analysis will be necessary and mitigation recommendations would be provided.

Director

3

If you have any questions regarding this report or other aspects of the FWCA, please contact Dave Harlow at (916) 414-6600.

cc:

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CDFG, Sacramento, California (Attn: Diana Jacobs)

NOAA Fisheries, Sacramento, California (Attn: Michael Aceituno)

DWR, Sacramento, California (Attn: Jerry Johns)